

**SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 27, 2004**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Edmunson, Raybould, Schaefer.
Total -- 3.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Alison Knox, Page.

Approval of Journal

January 27, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifteenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 26, 2004

Mr. Speaker:

I transmit herewith **SCR 118** which has passed the Senate.

WOOD, Secretary

SCR 118 was filed for first reading.

Report of Standing Committees

January 27, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 541**, **H 542**, and **H 543**.

FIELD(18), Chairman

H 541, **H 542**, and **H 543** were referred to the Revenue and Taxation Committee.

January 26, 2004

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 474** and recommend that it do pass.

WOOD, Chairman

H 474 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 118, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 544

BY ENVIRONMENTAL AFFAIRS COMMITTEE

AN ACT

RELATING TO WATER QUALITY; AMENDING SECTION 39-3607, IDAHO CODE, TO PROVIDE THAT THE SURVEYS OR ASSESSMENTS SHALL BE PREPARED IN CONSULTATION WITH THE WATERSHED ADVISORY GROUP FOR THE WATERSHED AND TO PROVIDE THAT SURVEYS OR ASSESSMENTS SHALL NOT BE DISSEMINATED FOR PUBLIC COMMENT AND SHALL NOT BE SUBMITTED TO GOVERNMENT AGENCIES WITHOUT THE APPROVAL OF AT LEAST FIFTY PERCENT OF THE MEMBERS OF THE WATERSHED ADVISORY GROUP; AMENDING SECTION 39-3609, IDAHO CODE, TO PROVIDE THAT NO NOTIFICATION SHALL BE PROVIDED WITHOUT THE APPROVAL OF AT LEAST FIFTY PERCENT OF THE WATERSHED ADVISORY GROUP; AMENDING SECTION 39-3611, IDAHO CODE, TO PROVIDE THAT EACH TOTAL MAXIMUM DAILY LOAD SHALL BE DEVELOPED IN CONSULTATION WITH THE WATERSHED ADVISORY GROUP FOR THE WATERSHED IN WHICH THE WATER BODIES ARE LOCATED AND TO PROVIDE THAT TOTAL MAXIMUM DAILY LOADS SHALL NOT BE DISSEMINATED FOR PUBLIC COMMENT AND SHALL NOT BE SUBMITTED TO GOVERNMENT AGENCIES WITHOUT THE APPROVAL OF AT LEAST FIFTY PERCENT OF THE MEMBERS OF THE WATERSHED ADVISORY GROUP; AMENDING SECTION 39-3615, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH THE ADVICE OF THE APPROPRIATE BASIN ADVISORY GROUP SHALL NAME WATERSHED ADVISORY GROUPS WHICH WILL GENERALLY ADVISE THE DEPARTMENT ON THE APPROPRIATENESS, ATTAINABILITY AND STATUS OF EXISTING AND DESIGNATED BENEFICIAL USES WITHIN THE WATERSHED AND ON THE DEVELOPMENT AND IMPLEMENTATION OF TMDLS; AND AMENDING SECTION 39-3616, IDAHO CODE, TO PROVIDE THAT WATERSHED ADVISORY GROUPS SHALL CONSULT WITH THE DIRECTOR AND PARTICIPATE IN THE DEVELOPMENT OF EACH SURVEY OR ASSESSMENT OF BENEFICIAL USE ATTAINABILITY OR STATUS, AND EACH TMDL, FOR WATER BODIES WITHIN THE WATERSHED.

HOUSE BILL NO. 545
BY LANGFORD

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-209, IDAHO CODE, TO PROVIDE AN ADDITIONAL CONDITION GOVERNING LIABILITY OF AN EMPLOYER AND PROCEDURES FOR IMPLEMENTATION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 546
BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO COOPERATIVE MARKETING ASSOCIATIONS; AMENDING SECTION 22-2608, IDAHO CODE, TO ELIMINATE THE REQUIREMENT OF FILING A CERTIFIED COPY OF ARTICLES OF INCORPORATION WITH THE DEPARTMENT OF AGRICULTURE AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING SECTION 22-2619, IDAHO CODE, RELATING TO THE ISSUANCE OF ANNUAL REPORTS.

HOUSE BILL NO. 547
BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PRUNE COMMISSION; REPEALING CHAPTER 30, TITLE 22, IDAHO CODE.

HOUSE BILL NO. 548
BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO COMMERCIAL FERTILIZERS; AMENDING SECTION 22-611, IDAHO CODE, TO PROVIDE FOR PENALTIES FOR SPECIALTY FERTILIZER THAT DEVIATES FROM THE GUARANTEED ANALYSIS; AMENDING SECTION 22-612, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL DETERMINE AND PUBLISH ANNUALLY THE VALUES PER UNIT OF NITROGEN, AVAILABLE PHOSPHATE, SOLUBLE POTASH, SECONDARY ELEMENTS AND MICRO-ELEMENTS USED IN IDAHO AND TO PROVIDE THAT THESE VALUES SHALL BE USED IN DETERMINING AND ASSESSING PENALTIES.

HOUSE BILL NO. 549
BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PURE SEED LAW; AMENDING SECTION 22-434, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM LICENSING REQUIREMENTS FOR CERTAIN SEED DEALERS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 550
BY RINGO

AN ACT

RELATING TO THE CONSTITUTIONALLY BASED EDUCATIONAL CLAIMS ACT; AMENDING SECTION

6-2214, IDAHO CODE, TO REMOVE AUTHORITY FOR IMPOSITION OF AN EDUCATIONAL NECESSITY LEVY TO ABATE UNSAFE OR UNHEALTHY CONDITIONS; AND AMENDING SECTION 6-2215, IDAHO CODE, TO REMOVE PROVISIONS AUTHORIZING APPLICATION OF THIS SECTION TO CERTAIN PENDING LAWSUITS IN THE MANNER PROVIDED; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 551
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO LICENSURE BY THE BOARD OF PSYCHOLOGIST EXAMINERS; AMENDING SECTION 54-2309, IDAHO CODE, TO CLARIFY CONDITIONS FOR NONISSUANCE AND REVOCATION OF LICENSES.

HOUSE BILL NO. 552
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS; AMENDING SECTION 54-3404, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCES TO PASTORAL COUNSELORS AND TO AUTHORIZE THE BOARD TO ADOPT RULES REQUIRING ANNUAL CONTINUING EDUCATION AS A CONDITION FOR THE RENEWAL OF LICENSES; AMENDING SECTION 54-3405A, IDAHO CODE, TO DELETE CERTAIN CONTINUING EDUCATION REQUIREMENTS FOR PASTORAL COUNSELORS, TO REVISE TERMINOLOGY, TO MAKE TECHNICAL CORRECTIONS AND TO DELETE LANGUAGE REFERRING TO THE MEANING OF "LICENSED PASTORAL COUNSELOR" AND "LICENSED PROFESSIONAL COUNSELOR"; AND AMENDING SECTION 54-3405C, IDAHO CODE, TO REVISE TERMINOLOGY AND TO DELETE CERTAIN CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS.

HOUSE BILL NO. 553
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF SOCIAL WORK EXAMINERS; AMENDING SECTION 54-3203, IDAHO CODE, TO INCREASE THE BOARD MEMBERSHIP BY THE ADDITION OF A LAY MEMBER, AND TO REVISE THE NOMINATION PROCESS.

HOUSE BILL NO. 554
BY TRAIL

AN ACT

RELATING TO NOTICE INVITING BIDS FOR COUNTIES; AMENDING SECTION 31-4004, IDAHO CODE, TO REVISE PUBLICATION REQUIREMENTS BEFORE THE DATE FOR OPENING BIDS BY A COUNTY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 555
BY TRAIL

AN ACT

RELATING TO PERSONAL INFORMATION AND PRIVACY; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 6, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT RELATING TO THE PROTECTION OF PERSONAL INFORMATION, TO PROVIDE FOR DISCLOSURE UPON BREACH IN THE SECURITY OF PERSONAL INFORMATION BY CERTAIN AGENCIES, TO PROVIDE FOR DELAYED NOTIFICATION IN THE EVENT OF CERTAIN CRIMINAL INVESTIGATIONS, TO DEFINE TERMS, TO PROVIDE FOR MEANS OF NOTICE, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR DISCLOSURE UPON BREACH IN THE SECURITY OF PERSONAL INFORMATION BY CERTAIN PERSONS OR BUSINESSES, TO PROVIDE FOR DELAYED NOTIFICATION IN THE EVENT OF CERTAIN CRIMINAL INVESTIGATIONS, TO DEFINE TERMS, TO PROVIDE FOR MEANS OF NOTICE, TO PROVIDE AN EXCEPTION AND TO PROVIDE CERTAIN RIGHTS AND REMEDIES FOR BREACH IN THE SECURITY OF PERSONAL INFORMATION.

HOUSE BILL NO. 556**BY TRAIL**

AN ACT

RELATING TO GOVERNMENTAL INFORMATION PRACTICES; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 88, TITLE 67, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO REQUIRE CERTAIN RECORDKEEPING AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE OF IDAHO TO ADHERE TO DESIGNATED PRINCIPLES OF INFORMATION PRACTICE AND TO DEFINE TERMS.

HOUSE BILL NO. 557**BY TRAIL**

AN ACT

RELATING TO MISUSE OF IDENTIFYING INFORMATION; REPEALING SECTION 18-3126, IDAHO CODE; AMENDING CHAPTER 31, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3126, IDAHO CODE, TO PROHIBIT CERTAIN ACTIVITIES RELATING TO THE USE OF ANOTHER'S IDENTIFYING INFORMATION, TO DEFINE A TERM, TO PROVIDE FOR RESTITUTION, TO PROVIDE FOR VICTIM ASSISTANCE BY THE ATTORNEY GENERAL AND TO PROVIDE AN EXCEPTION FOR MEMBERS OF LAW ENFORCEMENT AGENCIES; AND AMENDING CHAPTER 31, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3126A, IDAHO CODE, TO PROVIDE FOR EXPUNGEMENT OF CERTAIN FALSE IDENTITY INFORMATION FROM COURT AND LAW ENFORCEMENT AGENCY RECORDS.

HOUSE BILL NO. 558**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-340C, IDAHO

CODE, TO EXEMPT VOTER REGISTRATION CARDS FROM DISCLOSURE AND PROVIDING EXEMPTIONS; AND AMENDING SECTION 34-416, IDAHO CODE, TO GOVERN INFORMATION IN VOTER REGISTRATION CARDS WHICH IS EXEMPT FROM DISCLOSURE.

HOUSE BILL NO. 559**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO RECALL PETITIONS AND ELECTIONS; AMENDING SECTION 34-1704, IDAHO CODE, TO FURTHER GOVERN APPROVAL OF A PROSPECTIVE RECALL PETITION; AMENDING SECTION 34-1705, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR A PERSON WHO CIRCULATES A PETITION; AMENDING SECTION 34-1706, IDAHO CODE, TO REQUIRE EXAMINATION TO VERIFY SIGNATURES BY THE COUNTY CLERK; AMENDING SECTION 34-1707, IDAHO CODE, TO CLARIFY PROCEDURE GOVERNING NOTIFICATION OF SUFFICIENCY OF PETITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1711, IDAHO CODE, TO INCREASE THE NUMBER OF DAYS ALLOWED FOR CANVASS OF RETURNS; AMENDING SECTION 34-1713, IDAHO CODE, TO ELIMINATE PROCEDURE FOR REMOVAL OF A SIGNATURE AFTER THE PETITIONS HAVE BEEN FILED; AND AMENDING SECTION 34-1715, IDAHO CODE, TO GOVERN PROCEDURE IN THE EVENT OF REFUSAL TO ACCEPT A PETITION.

HOUSE BILL NO. 560**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO CONDUCT OF ELECTIONS BY MAIL; AMENDING CHAPTER 3, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-308, IDAHO CODE, TO GOVERN THE CREATION OF A MAIL BALLOT PRECINCT AND TO PROVIDE CONDITIONS WHICH MUST BE MET IN THE CONDUCT OF AN ELECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 561**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO NOTICES FOR ELECTIONS; AMENDING SECTION 34-602, IDAHO CODE, TO SPECIFY INFORMATION TO BE CONTAINED IN NOTICES.

HOUSE BILL NO. 562**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO CONDUCT OF ELECTIONS; AMENDING SECTION 34-303, IDAHO CODE, TO AUTHORIZE APPOINTMENT OF STUDENTS TO ELECTION BOARDS UNDER CONDITIONS SPECIFIED.

HOUSE BILL NO. 563**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO ELECTION LAWS; AMENDING SECTION 34-1009, IDAHO CODE, TO STRIKE A PROVISION FOR FINDING AND DISCARDING THE ABSENTEE BALLOT OF AN ELECTOR WHO SUBSEQUENTLY HAS DIED AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 564
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE CIVIL RIGHTS OF PERSONS CONVICTED OF CRIME; AMENDING SECTION 18-310, IDAHO CODE, TO CLARIFY THE RESTORATION OF RIGHTS TO PERSONS WHO HAVE ACHIEVED FINAL DISCHARGE OF A CONVICTION IN ANOTHER STATE OR JURISDICTION AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 565
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2004; AUTHORIZING TWO ADDITIONAL FULL-TIME POSITIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 566
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2004; REPEALING SECTION 6, CHAPTER 352, LAWS OF 2003, THAT PROVIDED GENERAL FUND MONEYS FOR AN OFFENDER POPULATION CONTINGENCY TO THE BOARD OF CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 567
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3022Q, IDAHO CODE, TO REMOVE THE LIMITATION ON THE AMOUNT OF PREMIUMS FOR LONG-TERM CARE INSURANCE THAT QUALIFY FOR THE CREDIT AGAINST INCOME TAXES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 544, H 545, H 546, H 547, H 548, H 549, H 550, H 551, H 552, H 553, H 554, H 555, H 556, H 557, H 558, H 559, H 560, H 561, H 562, H 563, H 564, H 565, H 566, and H 567 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 514 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **H 514** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Ridinger, Ring, Ringo, Roberts, Robison, Rydall, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Clark, Kulczyk. Total -- 3.

Absent and excused -- Edmunson, Raybould, Schaefer. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 514** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:15 a.m., Wednesday, January 28, 2004. Seconded by Mrs. Boe. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:23 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk